

PUBLIC HEARING--Feb. 17, 1965

Appeal #8064 Atah S. Ford, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. Hatton not voting the following Order was entered on May 17, 1965:

ORDERED:

That the appeal to establish a gasoline service station at 407 and 411 Cedar Street, N.W., lots 1 and 2, square 3277, be granted conditionally.

As the result of an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) This identical appeal #7020 was heard and denied by this Board on December 17, 1962. Thereafter, the United States District Court for the District of Columbia in Civil Action 1051-63 dated December 11, 1964, remanded the appeal back to the Board for further hearing.

(2) Appellant's lots have frontages of 172.16 feet on Cedar Street and 220.64 feet on Blair Road. The property at the easternmost point is 140 feet from Cedar Street to Blair Road. The lots contain an area of 12,569 square feet.

(3) Property across Cedar Street from the site is zoned C-2 but is developed with a large apartment building. Property across Blair Road from the site is also zoned C-2 and is developed commercially and for automobile parking.

(4) Blair Road at this location is less than 25 feet in width and is a "short-cut" for automotive traffic from the District and other points vis. Cedar Street going into Piney Branch Road and into Maryland.

(5) The Department of Highways and Traffic reported on February 5, 1965 that it offers no objection to the granting of this appeal. On April 21, 1965, at the request of the Board, the Department made a further study and found that the construction of a gasoline service station at this location will not create any critical traffic problems and stated that if granted that Department will place signs restricting left turns from Blair Road into the station during rush hours.

(6) Plans indicate two entrances on Blair Road and two on Cedar Street, all 25 feet in width. Two gasoline bays will be provided and the service building will be located on the easternmost portion of the property. This service building will be of the Colonial type.

(7) There was considerable opposition from the residents residing on Cedar, Dakota, 5th and Butternut Streets. The local citizens Association also opposed the granting of this appeal.

OPINION:

The negative opinion of the Board dated December 17, 1962, was based largely upon the desire of the Board not to approve development which would create a dangerous traffic condition. At the rehearing the Department of Highways and Traffic, after further study, was able to assure the Board that the proposed service station would not create a traffic problem. The Board is also of the opinion that a service station of Colonial design will minimize the impact of commercial development upon the nearby residential area.

This Order shall be subject to the following conditions:

- (a) Install light guards on all lights to insure that the neighboring property will not be adversely affected by any lights installed.
- (b) Install shrubs or an attractive Colonial type wooden fence on the rear of the proposed station.
- (c) Erect the Colonial style service station.